

By: Martinez Fischer

H.B. No. 4112

A BILL TO BE ENTITLED

AN ACT

relating to requiring certain defendants convicted of traffic offenses to complete a driver education course.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter B, Chapter 45, Code of Criminal Procedure, is amended by adding Article 45.0512 to read as follows:

Art. 45.0512. DRIVER EDUCATION FOR CERTAIN PERSONS.

(a) This article applies only to a defendant who has previously been convicted two or more times of an offense involving the operation of a motor vehicle and commits an offense involving the operation of a motor vehicle before the fifth anniversary of the earlier of the dates of the two previous convictions.

(b) The judge may require a defendant described by Subsection (a) to complete a driver education course approved under Chapter 1001, Education Code, in addition to any other penalty authorized by law.

(c) For purposes of this article, an order of deferral under Article 45.051 or a deferral of the imposition of judgment under Article 45.0511 is considered a conviction.

(d) The court shall require the defendant to present evidence that the defendant has completed the driver education course not later than the 60th day after the date the judgment is entered.

(e) If the defendant fails to comply with Subsection (d),

1 the court may hold the defendant in contempt of the court and order
2 either or both of the following:

3 (1) that the defendant pay a fine not to exceed \$500;

4 and

5 (2) that the Department of Public Safety suspend the
6 defendant's driver's license or permit until the defendant fully
7 complies with any order of the court issued under this article.

8 SECTION 2. The change in law made by this Act applies only
9 to an offense committed on or after the effective date of this Act.
10 An offense committed before the effective date of this Act is
11 covered by the law in effect immediately before the effective date
12 of this Act, and the former law is continued in effect for that
13 purpose. For purposes of this section, an offense was committed
14 before the effective date of this Act if any element of the offense
15 occurred before that date.

16 SECTION 3. This Act takes effect September 1, 2009.